



6. On June 13<sup>th</sup> and June 15<sup>th</sup> Attorney Hannibal and I left voicemail messages for Attorney Stein following up on our June 7, 2012 request and again requesting to schedule a discovery dispute conference. We also wrote an email message to Attorney Stein on June 15, 2012 again asking him to set up a meet and confer conference regarding the discovery disputes.

7. On June 14, 2012, Ms. Nelson served Plaintiff's Second Set of Discovery Requests to Santander on counsel for Santander. Attorney Hannibal and I received responses to these discovery requests from Santander on July 18, 2012.

8. On July 23, 2012, Attorney Hannibal and I drafted a five-page single-spaced detailed letter to Attorney Stein setting forth Plaintiff's disputes with Santander's responses to the Second Set of Interrogatories and Second Set of Requests for Production of Documents and the numerous deficiencies. Santander had refused to answer the majority of the requests. In the July 23, 2012 letter we again requested that Attorney Stein contact us to set up a discovery dispute conference to address the deficiencies in Santander's discovery responses.

9. On Monday August 6, 2012, Attorney Hannibal and I wrote an email message to Attorney Stein making a second request to have a meet and confer conference regarding Santander's discovery responses to the second set of discovery requests. We had not received any proposed dates for a conference in response to our July 23, 2012 request. Eventually we were able to arrange a phone discovery dispute conference with Attorney Stein for August 21, 2012. During that conference we reviewed all of the disputes Plaintiff has with Santander's discovery responses to the first and second sets of discovery. As a result of that phone conference Attorney Stein agreed to provide supplemental discovery information he had neglected to send until that date and he did provide it. Attorney Stein also agreed to ask

Santander if it was willing to provide responses to various other requests. We received additional supplemental documents on August 31, 2012.

10. On September 11, 2012 Attorney Stein provided additional discovery responses, from Santander but unverified, via email.

11. At the request of Santander's counsel Gary Caplan we set up another meet and confer discovery conference for Tuesday September 18<sup>th</sup> because Attorney Caplan indicated that Santander would be willing to provide additional discovery responses it had earlier refused to provide.

12. Attorney Hannibal and I conducted the additional discovery dispute conference with Attorneys Caplan and Stein on September 18, 2012 to discuss approximately 13 discovery requests to which Santander had changed its position and said it would now provide information. Attorney Hannibal and I agreed to narrow some of the requests in order to obtain responses from Santander. Attorney Caplan promised us the supplemental responses or an update by September 21, 2012, but we did not receive anything by that date. On September 24, 2012 Attorney Hannibal and I wrote a detailed letter summarizing the September 18<sup>th</sup> conversation, stipulations, and promised discovery.

13. On September 25, 2012 Attorney Hannibal and I received correspondence from Attorney Caplan indicating that Santander was beginning to assemble additional documents for production that had been discussed, but Attorney Caplan did not provide a date by which any supplemental discovery responses would be produced.

14. On October 1, 2012 Attorney Hannibal and I sent an email message to Santander's counsel. We asked for any supplemental responses Santander intended to provide no later than

October 3, 2012 so that we would know which discovery requests were still in dispute and could promptly bring a motion concerning the disputed requests to the Court.

15. We received none of the promised supplemental responses by October 3, 2012.

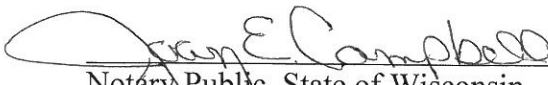
16. There are at least two dozen discovery requests which Santander refused to answer and that are still in dispute.

17. Attorney Hannibal and I have made multiple attempts to resolve these issues with counsel for Santander since becoming Ms. Nelson's counsel in May of 2012 and before bringing this motion to the Court.

18. On October 2, 2012 Attorney Hannibal and I sent an email message to Attorneys Caplan and Stein asking if Santander was asserting any affirmative defenses because it did not include any in its Answer to the Second Amended Complaint, even though it had raised affirmative defenses in earlier pleadings. Santander's counsel stated today in a response that Santander intends on raising affirmative defenses, but has failed to do so to date..

Subscribed and sworn to before me  
this 3 day of October, 2012.

  
Mary Catherine Fons

  
Notary Public, State of Wisconsin  
My Commission expires: 7-6-14

